



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/841,397	04/30/1997	SHINYA MATSUOKA	15-4-499.00	3144

7590

06/24/2002

RICHARD F. JAWORSKI
COOPER & DUNHAM LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

DINH, KHANH Q

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 06/24/2002

26

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
08/841,397

Applicant(s)
Matsuoka

Examiner
Khanh Dinh

Art Unit
2155



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 4, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-9, 11-18, 20-25, and 45-48 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-18, 20-25, and 45-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2155

DETAILED ACTION

1. This is in response to the Request for Consideration filed on 4/4/2002 (paper # 25).

Claims 1, 3- 9, 11-18, 20-25 and 45-48 are presented for examination.

Claim Rejections - 35 USC § 103

2. Claims 1, 3-5, 7, 9, 11, 12, 13, 18, 20, 21, 24, 45, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al U.S. pat. No. 5,710,591 in view of Cohen et al, IEEE 1993, "Virtual gain for audio windows."

As to claim 1, Bruno discloses an audio conference server (ACS) for enabling an application program to provide multi-point (22a, 22b, 22c fig.1) comprising:

- means for managing at least one audio conference, said at least one audio conference comprising a plurality of audio clients (12a, 12b, 12c fig.1)
- means for receiving (MCU 26 fig.1) audio data from said plurality of audio clients (see fig.1 and col.1 lines 29-51).

Bruno does not specifically disclose the mixer for audio data. However, Cohen discloses means for mixing said audio data to provide spatialized audio to said plurality of audio clients in said at least one audio conference, wherein said fixing means results in mixed audio data (see Cohen's audio mixers, see page 85, section 0.1), and means for delivering said mixed audio data to said

Art Unit: 2155

plurality of audio clients in said at least one audio conference (transferring data to multiple audio resources, see page 85, section 0.1) and a mixing means for providing distance-based attenuation according to sound decay characteristics, at least one sound characteristic being assigned to each audio client from a plurality of sound decay characteristics (i.e., the distance -dependent gain parameter used in MAW (moving source/moving sink) and listeners can alter these parameters among the teleconferees, see Cohen's section 1.2, distance dependent-gain and fig.3, pages 85-88). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize Cohen's audio data mixer in Bruno's audio conference server to control the volume of a sound source and a listener because it would have allowed multiple simultaneous audio sources to coexist in a modifiable display without user stress (see Cohen's section 0.1).

As to claim 3, Bruno teaches checking the status of a registered owner of said at least one audio conference to determine whether said at least one audio conference still exists (detecting the location of a signal to identify at least one terminal device, see abstract and col.12 lines 20-52).

As to claim 4, Bruno further discloses checking means including a resource audit service (multiple control unit MCU 26 of fig.1), said resource audit service operable when said at least one audio conference is generated by a first application and is being used by a second application

Art Unit: 2155

(a presentation mode can be seen by other conferees, see abstract and col. 4 line 54- col.5 line 40).

As to claim 5, Bruno further discloses a plurality of audio clients includes set top box (STB) audio clients and point source audio (PSA) audio clients (audio sources and the participants of the teleconference, see col.7 lines 27-64).

As to claim 7, Cohen discloses means for determining distance between a target audio client and a plurality of source audio clients, means for determining a plurality of weight values for each of said source audio clients based on an identified decay factor (distance-dependent gain parameter used in MAW, see Cohen's section 1.2) and a distance between each of said source audio client and a target audio client, wherein each of said weight values corresponds to a source/client pair (see Cohen's section 1.2, fig.3), means for generating a mix table (mixing board, see Cohen's section 0.1) for each source/client pair and means for calculating an actual mix (calculating parameters, see Cohen's section 0.1).

Cohen further discloses a continued gradual decay characteristics (see Cohen's fig.3). Therefore, Cohen inherently discloses an audio big decay factor, an audio small decay factor, an audio medium decay factor and a constant decay factor.

Claims 9 and 18 are rejected for the same reasons set forth above for claim 1.

Claim 11 is rejected for the same reasons set forth above for claim 3.

Art Unit: 2155

Claims 13 and 22 are rejected for the same reasons set forth above for claim 5.

Claims 12 and 21 are rejected for the same reasons set forth above for claim 4.

Claims 20 and 24 are rejected for the same reasons set forth above for claims 3 and 7.

Claim 45 is rejected for the same reasons set forth above for claim 1.

Claim 47 is rejected for the same reasons set forth above for claim 18.

Claim 48 is rejected for the same reasons set forth above for claims 1 and 18.

3. Claims 6, 14-16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braun and Cohen as applied to claim 1 above, and further in view of Chau et al U. S. Pat. No.5,764,750.

As to claim 6, Braun and Cohen's teachings still applied as in item 4 above, but neither Braun nor Cohen discloses a providing program access to high level methods for creating and managing a proxy audio conference. However, Chau et al disclose a providing program access to high level methods for creating and managing a proxy audio conference (see abstract, fig.2 and col.5 lines 1-col.6 lines 35). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize Chau et al's proxy server in Braun's audio conference server because it would have provided the capabilities required of endpoints by the local system and its protocol in order to allow the local and the remote endpoints to communicate with each other (see Chau's summary).

Art Unit: 2155

As to claims 14, 15, 16 and 23, it is similar in scope as that of claim 6, and therefore is rejected for the same reasons set forth above for claim 6.

4. Claims 8, 17, 25 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al U.S. pat. No. 5,710,591 and Cohen as in claims 1 and 7 above and further in view of Everett US pat. No.5,864,816.

As to claim 8, Braun and Cohen's teachings still applied as in item 4 above. Neither Braun nor Cohen discloses a fade in/fade out function (scale factors) to avoid the delivery of said data in a step-wise manner to a speaker output (see abstract, col.1 line 57 to col.2 line 22).

However, Everett discloses:

A floating point operation elimination function (see 40 of fig.2) to avoid the performance of floating point multiplication (identifying scale factor functions to determine the excess of a predetermined threshold, see col.2 lines 30-63, col.4 lines 10-54).

A stream data function to prepare stream audio (MPEG streams) for playing ambient background music or using an audio source forwarded from another conference (see fig.1, col.3 lines 20-65).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to Everett's teachings into Braun's audio system to facilitate the mixings of data streams because it would have facilitated the mixings of audio data in compressed forms.

As to claim 17, it is similar in scope as that of claims 7 and 8, and therefore is rejected for the same reasons set forth above for claims 7 and 8.

Art Unit: 2155

As to claim 25, it is similar in scope as that of claim 8, and therefore is rejected for the same reasons set forth above for claim 8.

Claim 46 is rejected for the same reasons set forth above for claim 1 and 17.

Response to Arguments

5. Applicant asserted that the prior art does not disclose at least one sound decay characteristic being assigned to each audio client from a plurality of sound decay characteristics.

Examiner respectfully disagrees. Cohen clearly discloses listeners can alter these parameters among the teleconferees (see Cohen's section 1.2, distance dependent-gain, direction dependent gain and fig.3, pages 85-88).

6. Applicant further asserts that the Cohen reference does not disclose a decay factor from one of a plurality of predefined decay characteristics.

Cohen explicitly discloses a continued gradual decay characteristics (see Cohen's fig.3). Therefore, Cohen inherently discloses an audio big decay factor, an audio small decay factor, an audio medium decay factor and a constant decay factor as rejected above.

7. Applicant's arguments filed on 4/4/2002 (paper#25) have been fully considered but they are not persuasive.

Art Unit: 2155

Conclusion

8. Claims 1, 3- 9, 11-18, 20-25 and 45-48 are ***rejected***.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached on (703) 305-9648. The fax phone number for this group is (703)746-7238.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Art Unit: 2155

Khanh Dinh
Patent Examiner
Art Unit 2155
6/12/2002


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100